

EC2003-465

**FAMILY LAW ACT
ADMINISTRATIVE RECALCULATION OF CHILD SUPPORT
REGULATIONS**

Pursuant to subsection 61(5) of the *Family Law Act* R.S.P.E.I. 1988, Cap. F-2.1, Council made the following regulations after consultation with the Chief Justice of Prince Edward Island and the Chief Justice of the Trial Division.

- 1. (1)** In these regulations
- | | |
|--|-------------------------------------|
| | Definitions |
| (a) “Act” means the <i>Family Law Act</i> R.S.P.E.I. 1988, Cap. F-2.1; | Act |
| (b) “agreement” means a separation or parental agreement entered into under the Act, before, on or after the date these regulations come into force, that requires | agreement |
| (i) the payment of child support, and | |
| (ii) the annual review and recalculation, in accordance with the Child Support Guidelines, of the child support payable under the agreement; | |
| (c) “anniversary date” means, in respect of an agreement, a child support order, recalculation order, or a notice given under subsection 6(1), the date in a year on which | anniversary date |
| (i) the agreement or order was made, or | |
| (ii) the notice was sent, in a prior year; | |
| (d) “Child Support Guidelines” means the Child Support Guidelines as defined in the Child Support Guidelines Regulations; | Child Support Guidelines |
| (e) “child support order” means an order made by the court under the Act, before, on or after the date these regulations come into force, that requires | child support order |
| (i) the payment of child support, and | |
| (ii) the annual review and recalculation, in accordance with the Child Support Guidelines, of the child support payable under the order; | |
| (f) “Deputy Registrar” means the Deputy Registrar of the Family Section of the Supreme Court Trial Division appointed under section 20.2 of the <i>Supreme Court Act</i> R.S.P.E.I. 1988, Cap. S-10; | Deputy Registrar |
| (g) “Director of Maintenance Enforcement” means the Director of Maintenance Enforcement appointed under section 2 of the <i>Maintenance Enforcement Act</i> R.S.P.E.I. 1988, Cap. M-1; | Director of Maintenance Enforcement |
| (h) “Federal Guidelines” means the Federal Child Support Guidelines established by regulation pursuant to section 26.1 of the <i>Divorce Act</i> (Canada); | Federal Guidelines |
| (i) “party” means, in respect of an agreement or a child support order, a person who is required to pay or is entitled to receive child support under the agreement or child support order; | party |
| (j) “payor” means the party who is obliged to pay child support under an agreement or a child support order; | payor |

- (k) “Recalculation Office” means the Recalculation Office established as a child support service under subsection 2(1); Recalculation Office
- (l) “Recalculation Officer” means the Recalculation Officer appointed under subsection 3(1); Recalculation Officer
- (m) “recalculation order” means an order issued under subsection 8(1) or 14(1); recalculation order
- (n) “special or extraordinary expense” means an expense referred to in section 7 of the Federal Guidelines. special or extraordinary expense
- (2) For the purposes of these regulations, unless the context indicates otherwise, a reference to the income information of or for the payor, in respect of the review and recalculation in any year of the payor’s obligation to pay child support, is a reference to References to income information
- (a) the income tax return that the payor filed with the Canada Customs and Revenue Agency for the immediately preceding year; and
- (b) any notice of assessment or reassessment issued to the payor by the Canada Customs and Revenue Agency for the immediately preceding year.
- (3) For the purposes of these regulations, the parties under an agreement or a child support order shall be deemed to have shared custody of a child to whom an agreement or a child support order applies if each party has a right of access to or physical custody of the child for not less than 40 per cent of the time over the course of a year. Shared custody
- (4) For the purposes of these regulations, a reference to the applicable table in respect of the recalculation of a payor’s obligation to pay child support under an agreement or order is, Applicable table
- (a) in the case where the payor ordinarily resides in Prince Edward Island at the time of the recalculation, a reference to the table set out in Schedule I of the Child Support Guidelines Regulations;
- (b) in the case where the payor ordinarily resides in a place in Canada other than in Prince Edward Island at the time of the recalculation, a reference to the table in Schedule I of the Federal Guidelines for the province or territory in which the payor ordinarily resides;
- (c) in the case where the payor ordinarily resides outside of Canada, or where the payor’s residence is not known, at the time of the recalculation, a reference to
- (i) the table set out in Schedule I of the Child Support Guidelines Regulations, if the recipient of the child support under the agreement or order ordinarily resides in Prince Edward Island at the time of the recalculation, or
- (ii) the table in Schedule I of the Federal Guidelines for the province or territory in which the recipient of the child support under the agreement or order ordinarily resides at the time of the recalculation, if the recipient does not ordinarily reside in Prince Edward Island.

RECALCULATION OFFICE

2. (1) The Recalculation Office, a project of the Office of the Attorney General, is established as a child support service. Child support service
- (2) The duties of the Recalculation Office shall include the following: Duties
- (a) assisting the court in the administration of the child support provisions of agreements and child support orders;
- (b) monitoring compliance with the child support provisions of agreements and child support orders that require the periodic filing of income information by the payor;
- (c) reviewing and recalculating the amount of child support payable under an agreement or a child support order.
3. (1) There shall be a Recalculation Officer who shall be an employee of the Office of the Attorney General. Recalculation Officer

(2) The Recalculation Officer shall exercise the general direction and supervision of the Recalculation Office.

Direction of the Recalculation Office

(3) The Recalculation Officer may, in the exercise and performance of his or her powers and duties under these regulations,

Use of computer programs and experts

(a) use such computer programs or other technical aids; and

(b) engage the services of or seek assistance from such accountants or other experts, as the Recalculation Officer considers appropriate.

REVIEW AND RECALCULATION

4. (1) Subject to these regulations, a party under an agreement or a child support order who wishes to have the Recalculation Officer review and recalculate the amount of child support payable under the agreement or child support order must make an application to the Recalculation Officer by filing with the Recalculation Office

Applications

(a) an application in a form approved by the Recalculation Officer;

(b) a copy of the agreement or child support order, as the case may be; and

(c) a copy of the income information for the payor under the agreement or child support order, if the agreement or order was made before September 6, 2003.

(2) Subject to subsection (3), on receipt of an application referred to in subsection (1), the Recalculation Officer shall review and recalculate, in accordance with section 5, the amount of child support payable under an agreement or a child support order.

Recalculation Officer

(3) The Recalculation Officer shall, on receipt of an application referred to in subsection (1), refuse to review and recalculate the amount of child support payable under an agreement or a child support order if

Refusal of application

(a) the agreement or child support order indicates that the amount of child support payable under it has been determined

(i) by taking into consideration

(A) the prevention of the undue hardship of a party or a child, or

(B) the fact that the parties have shared custody of a child to whom the agreement or order applies, or

(ii) after first determining the payor's annual income pursuant to sections 17 or 19 of the Federal Guidelines, or

(iii) pursuant to the clauses 3(2)(b) or 4(b), or section 5, of the Federal Guidelines; or

(b) in the opinion of the Recalculation Officer, the application

(i) is made in respect of a matter for which an application should be made to the court under sections 33 or 37 of the Act, or

(ii) is not made in accordance with the requirements of subsection (1).

(4) For greater certainty, where an agreement or a child support order includes an amount of child support for a special or extraordinary expense, the Recalculation Officer shall refuse to review and recalculate that amount of child support payable under the agreement or child support order for the special or extraordinary expense.

Requests respecting special or extraordinary expenses

(5) Where, on receipt of an application, the Recalculation Officer refuses to review and recalculate the child support payable under the agreement or child support order, the Recalculation Officer shall send, by regular mail, to the parties under the agreement or child support order a written notice that advises the parties of the refusal and of the reasons for the refusal.

Notice of refusal

5. (1) Where, at least 30 days before the anniversary date of an agreement or a child support order, the Recalculation Office has been provided with the income information of the payor

Review and recalculation (with income information)

(a) by the payor, if the agreement or child support order was made on or after September 6, 2003; or

(b) by the applicant, if the agreement or order was made before September 6, 2003,

the Recalculation Officer shall, before the anniversary date of the agreement or child support order, review and recalculate the amount of

child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the income of the payor, using the income information provided.

(2) Where, in respect of an agreement or a child support order made on or after September 6, 2003, the payor has not, at least 30 days before the anniversary date of the agreement or child support order, provided the Recalculation Office with the income information required by the agreement or child support order, the Recalculation Officer shall review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the deemed income of the payor, as determined in accordance with subsection (3).

Review and
recalculation
(without income
information)

(3) For the purposes of subsection (2), the income of the payor is deemed to be the sum of

Deemed income of
payor

- (a) the payor's income for the most recent preceding year during which the Recalculation Office was provided, in or pursuant to the agreement or child support order, with income information for the payor; and
- (b) 10 per cent of the payor's income referred to in clause (a).

(4) When reviewing and recalculating under this section the amount of child support payable under an agreement or a child support order, the Recalculation Officer shall round the amount payable to the nearest dollar.

Recalculation to be
rounded to nearest
dollar

6. (1) Where, after recalculating the amount of child support payable under an agreement or a child support order, the Recalculation Officer determines that the amount would increase or decrease by less than \$5 per month, the Recalculation Officer

No change in
amount payable –
notice

- (a) shall not issue a recalculation order in respect of the application; and
- (b) shall send a notice, by regular mail, to the parties to the agreement or child support order that advises that no change in the amount of child support is required.

(2) Where, after recalculating the amount of child support payable under an agreement or a child support order the Recalculation Officer determines that the amount of child support would increase or decrease by \$5 or more per month, the Recalculation Officer shall send, by registered mail, a written notice to the parties to the agreement or child support order that advises them of

Change in amount
payable–notice of
recalculation

- (a) the recalculated amount;
- (b) the payor's obligation under section 9 to pay the recalculated amount;
- (c) the right of each party
 - (i) to make an application to the court under section 37 of the Act seeking a variation in the amount payable under the agreement or child support order; and
 - (ii) to file a notice of objection in Form 1 of the Schedule with the Recalculation Office to preclude, subject to subsection 8(1), the issuance of a recalculation order for that recalculated amount; and
- (d) the payor's right, in accordance with subsection 7(3), to object to the recalculation on the basis that his or her income was less than the deemed income for the payor under subsection 5(3).

7. (1) Where a party to an agreement or a child support order intends to make an application to the court under section 37 of the Act, the party may, within 30 days after receipt of a notice referred to in subsection 6(2), file with the court and the Recalculation Office a notice of objection, completed on a copy of Form 1 of the Schedule, that indicates that the party will, within 60 days of filing the notice of objection with the court and the Recalculation Office,

Notice of objection
pending application
to court for
variation

- (a) make the application to the court under section 37 of the Act for a variation of the amount of child support payable under the agreement or child support order;
- (b) obtain a hearing date from the court for the application; and
- (c) serve a copy of the application and a notice of the hearing date on the other party and the Recalculation Officer.
- (2) Where a party, in accordance with subsection (1), files a notice of objection to a recalculation for the reason referred to in that subsection, the Recalculation Officer may not issue a recalculation order in respect of the matter until one of the circumstances described in section 8 occurs. Effect of notice of objection
- (3) Where the payor's actual income for the immediately preceding year is less than the deemed income used by the Recalculation Officer for the recalculation, the payor may, within 30 days after the receipt of the notice referred to in subsection 6(2), object to the recalculation by filing with the court and the Recalculation Office Objection to deemed income
- (a) a notice of objection, completed on a copy of Form 1 of the Schedule, objecting to the recalculation on that basis; and
- (b) a copy of the income information for the payor for the immediately preceding year.
- (4) Where a payor, in accordance with subsection (3), files a notice of objection and the income information referred to in that subsection, the Recalculation Officer shall Recalculation with new information
- (a) recalculate, in accordance with subsections 5(1) and (4), the amount of child support payable using the income information provided by the payor; and
- (b) comply with the requirements of section 6.
- 8.** (1) After sending to the parties to an agreement or a child support order the recalculation notice required by subsection 6(2), the Recalculation Officer shall make a recalculation order in respect of the recalculation if Recalculation order
- (a) no party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 7(1) with the court and the Recalculation Office; or
- (b) where a party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 7(1) with the court and the Recalculation Office, the party has
- (i) failed, within 60 days after filing the notice of objection with the court and the Recalculation Office, to do or obtain any of the things referred to in clauses 7(1)(a) to (c),
- (ii) withdrawn the application referred to in clause 7(1)(a), or
- (iii) failed, within 120 days after filing the notice of objection with the court and the Recalculation Office, to have a court hearing of the application referred to in clause 7(1)(a).
- (2) A recalculation order made by the Recalculation Officer must be made in writing and indicate Form and content of order
- (a) the recalculated amount of child support;
- (b) the date the payor is liable, pursuant to section 9, to pay the recalculated amount; and
- (c) the relevant circumstances referred to in clause (1)(a) or (b) under which the recalculation order is issued.
- (3) The Recalculation Officer shall Filing and delivery of order
- (a) file a copy of the recalculation order with the deputy registrar of the court;
- (b) send, by regular mail, a copy the recalculation order to each of the parties; and
- (c) provide a copy of the recalculation order to the Director of Maintenance Enforcement.
- 9.** After a recalculation order has been made by the Recalculation Officer in respect of an agreement or a child support order, the payor under the agreement or child support order is liable to pay the recalculated amount of child support set out in the recalculation order on the date each month provided for in the agreement or child support order, commencing the Effect of recalculation order

month immediately following the month during which the recalculation order is made.

Annual Review and Recalculation

10. (1) Subject to subsection (2), every year following the year in which a recalculation order is issued under subsection 8(1), or a notice is given under subsection 6(1), in respect of an agreement or a child support order, the Recalculation Officer shall, without application by a party, review and recalculate in accordance with section 11 the amount of child support payable under the agreement or child support order.

Annual review and recalculation

(2) The Recalculation Officer shall cease to review and recalculate, in accordance with subsection (1), the amount of child support payable under an agreement or a child support order following

Termination of annual review and recalculation

(a) the expiry of the payor's obligation under the agreement or child support order to pay the amount of child support; or

(b) the receipt by the Recalculation Office of

(i) a court order made under section 37 of the Act, or

(ii) a copy of an agreement made by the parties,

that precludes the recalculation, in accordance with these regulations, of child support payable.

11. (1) Where the Recalculation Office has been provided with the income information of the payor under an agreement or a child support order at least 30 days before the anniversary date of the most recent

Review and recalculation (with income information)

(a) recalculation order, if any, that has been issued; or

(b) notice, if any, that has been sent under subsection 6(1),

in respect of the agreement or child support order, the Recalculation Officer shall, before that anniversary date, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the income of the payor, using the income information provided.

(2) Where the Recalculation Office has not been provided with the income information of the payor under an agreement or a child support order at least 30 days before the anniversary date described in subsection (1), the Recalculation Officer shall, before that anniversary date, review and recalculate the amount of child support payable under the agreement or child support order in accordance with the applicable table by matching on the table the number of children under the age of majority to whom the agreement or child support order relates with the deemed income of the payor, as determined in accordance with subsection (3).

Review and recalculation (without income information)

(3) For the purposes of subsection (2), the income of the payor is deemed to be the sum of

Deemed income of payor

(a) the payor's income for the most recent preceding year during which

(i) the Recalculation Office was provided, in or pursuant to the agreement or child support order, with income information for the payor, or

(ii) a recalculation order was issued in respect of the agreement or child support order, as determined using that income information or the amount of the deemed income set out in that recalculation order, as the case may be; and

(b) 10 per cent of the payor's income referred to in clause (a).

(4) When reviewing and recalculating under this section the amount of child support payable under an agreement or a child support order, the Recalculation Officer shall round the amount payable to the nearest dollar.

Recalculation to be rounded to nearest dollar

12. (1) Where, after recalculating under section 11, the amount of child support payable under an agreement or a child support order, the Recalculation Officer determines that the amount would increase or decrease by less than \$5 per month, the Recalculation Officer

No change in amount payable-notice

(a) shall not issue a recalculation order in respect of the recalculation; and

(b) shall send a notice, by regular mail, to the parties to the agreement or child support order that advises that no change in the amount of child support is required.

(2) Where, after recalculating under section 11, the amount of child support payable under an agreement or a child support order the Recalculation Officer determines that the amount of child support would increase or decrease by \$5 or more per month, the Recalculation Officer shall send, by registered mail, a written notice to the parties to the agreement or child support order that advises them of

Change in amount payable- notice of recalculation

- (a) the recalculated amount;
- (b) the payor's obligation under section 15 to pay the recalculated amount;
- (c) the right of each party
 - (i) to make an application to the court under section 37 of the Act seeking a variation in the amount payable under the agreement or child support order; and
 - (ii) to file a notice of objection in Form 1 of the Schedule with the Recalculation Office to preclude, subject to subsection 14(1), the issuance of a recalculation order for that recalculated amount; and
- (d) the payor's right, in accordance with subsection 13(3), to object to the recalculation on the basis that his or her income was less than the deemed income for the payor under subsection 11(3).

13. (1) Where a party to an agreement or a child support order intends to make an application to the court under section 37 of the Act for a variation of the amount of child support payable under the agreement or child support order, the party may, within 30 days after receipt of a notice referred to in subsection 12(2), file with the court and the Recalculation Office a notice of objection, completed on a copy of Form 1 of the Schedule, that indicates that the party will, within 60 days of filing the notice of objection with the court and the Recalculation Office,

Notice of objection pending application to court for variation

- (a) make the application to the court under section 37;
- (b) obtain a hearing date from the court for the application; and
- (c) serve a copy of the application and a notice of the hearing date on the other party and the Recalculation Officer.

(2) Where a party, in accordance with subsection (1), files a notice of objection to a recalculation for the reason referred to in that subsection, the Recalculation Officer may not issue a recalculation order in respect of the matter until one of the circumstances described in section 14 occurs.

Effect of notice of objection

(3) Where the payor's actual income for the immediately preceding year is less than the deemed income used by the Recalculation Officer for the recalculation, the payor may, within 30 days after the receipt of the notice referred to in subsection 12(2), object to the recalculation by filing with the Recalculation Office

Objection to deemed income

- (a) a notice of objection, completed on a copy of Form 1 of the Schedule, objecting to the recalculation on that basis; and
- (b) a copy of the income information for the payor for the immediately preceding year.

(4) Where a payor, in accordance with subsection (3), files a notice of objection and the income information referred to in that subsection, the Recalculation Officer shall

Recalculation with new information

- (a) recalculate, in accordance with subsections 11(1) and (4), the amount of child support payable using the income information provided by the payor; and
- (b) comply with the requirements of section 12.

14. (1) After sending to the parties to an agreement or a child support order the recalculation notice required by subsection 12(2), the Recalculation Officer shall make a recalculation order in respect of the recalculation if

Recalculation order

- (a) no party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 13(1) with the court and the Recalculation Office; or

(b) where a party has, within 30 days after receipt of the notice of recalculation, filed a notice of objection under subsection 13(1) with the Recalculation Office, the party has

- (i) failed, within 60 days after filing the notice of objection with the court and the Recalculation Office, to do or obtain any of the things referred to in clauses 13(1)(a) to (c),
- (ii) withdrawn the application referred to in clause 13(1)(a), or
- (iii) failed, within 120 days after filing the notice of objection with the court and the Recalculation Office, to have a court hearing of the application referred to in clause 13(1)(a).

(2) A recalculation order made by the Recalculation Officer must be made in writing and indicate Form and content of order

- (a) the recalculated amount of child support;
- (b) the date the payor is liable, pursuant to section 15, to pay the recalculated amount; and
- (c) the relevant circumstances referred to in clause (1)(a) or (b) under which the recalculation order is issued.

(3) The Recalculation Officer shall Filing and delivery of order

- (a) file a copy of the recalculation order with the deputy registrar of the court;
- (b) send, by regular mail, a copy the recalculation order to each of the parties; and
- (c) provide a copy of the recalculation order to the Director of Maintenance Enforcement.

15. After a recalculation order has been made by the Recalculation Officer under section 14 in respect of an agreement or a child support order, the payor under the agreement or child support order is liable to pay the recalculated amount of child support set out in the recalculation order on the date each month provided for in the agreement or child support order, commencing the month immediately following the month during which the recalculation order is made. Effect of recalculation order

16. These regulations come into force on September 6, 2003. Commencement

SCHEDULE

FORM 1

Court File #
R.O. #

IN THE SUPREME COURT OF PRINCE EDWARD ISLAND
(FAMILY SECTION)

BETWEEN:

Applicant

- and -

Respondent

NOTICE OF OBJECTION

42 Water Street
 Charlottetown, PE C1A 7N8
 (Name and address of other party)

TO: Recalculation Office
 Sir Louis Henry Davies Law Courts
 42 Water Street
 Charlottetown, PE C1A 7N8

For Office Use Only:

The Court hearing of this matter has been set for(date)
 commencing at (time) at the Supreme Court of Prince
 Edward Island (Family Section) at the Sir Louis Henry Davies Law
 Courts, 42 Water Street, Charlottetown, Prince Edward Island.

EXPLANATORY NOTES

These regulations establish a provincial child support service to conduct the administrative recalculation of child support payable under an agreement or a child support order. This service will provide an automatic, inexpensive and less adversarial process to enable parents to have their child support orders and agreements updated, where appropriate, as outlined in the regulations.

EC2003-466

**PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PROPERTY NO. 764308, LOT 18, PRINCE COUNTY
 IDENTIFICATION FOR NON-DEVELOPMENT USE
 AMENDMENT**

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately seventy-four (74) acres of land, being Provincial Property No. 764308 located in Lot 18, Prince County, Prince Edward Island and currently owned by W.D. Caseley Ltd. of Kensington, Prince Edward Island.

Council noted that this amendment will enable subdivision of a parcel of land of approximately two decimal six (2.6) acres to be used for a farm market (commercial), and determined that following subdivision, identification for non-development use shall continue to apply to the remaining land.

Order-in-Council EC2003-318 of 10 June 2003 is hereby rescinded.

This Order-in-Council comes into force on 26 August 2003.

EC2003-467**MARITIME ELECTRIC COMPANY LIMITED REGULATION ACT
PETITION TO INQUIRE INTO AND REPORT ON
ELECTRICITY GENERATION AND TRANSMISSION ACCESS**

Pursuant to section 23 of the *Maritime Electric Company Limited Regulation Act* R.S.P.E.I. 1988, Cap. M-1.2 Council directed the Island Regulatory and Appeals Commission to inquire into, and to report to Executive Council by 14 November 2003 on, the following matters relating to electricity generation and transmission access:

- current electricity generation and transmission access opportunities (direct or indirect) open to cities, towns or municipalities as well as large industrial customers within Nova Scotia, New Brunswick and the New England States;
- pending and probable changes to current electrical generation and transmission access within these jurisdictions;
- current or contemplated transmission access opportunities in other jurisdictions which do not now exist on P.E.I.; and
- any other matter the Commission may consider relevant to the issue.

EC2003-468**AN ACT TO AMEND THE PERSONAL PROPERTY SECURITY ACT
DECLARATION RE**

Under authority of section 6 of *An Act to Amend the Personal Property Security Act* Stats. P.E.I. 2003, 4th Session, c. 42 Council ordered that a Proclamation do issue proclaiming "*An Act to Amend the Personal Property Security Act*" to come into force effective 26 August 2003.

EC2003-469**RETAIL BUSINESS HOLIDAYS ACT
EXEMPTION REGULATIONS
AMENDMENT**

Pursuant to section 7 of the *Retail Business Holidays Act* R.S.P.E.I. 1988, Cap. R-13.02, Council made the following regulations:

1. Section 3 of the *Retail Business Holidays Act* Exemption Regulations (EC554/93) is revoked and the following substituted:

3. Harness racing and pari-mutuel betting at the Charlottetown Driving Park on October 12, 2003 are exempt from the application of section 2 of the Act. One day racing, betting exemption

2. These regulations come into force on September 6, 2003.

EXPLANATORY NOTES

The amendment allows a race card to be held at the Charlottetown Driving Park on the specified date.

EC2003-470**ROADS ACT
HIGHWAY ACCESS REGULATIONS
AMENDMENT**

Pursuant to subsection 29(1) of the *Roads Act* R.S.P.E.I. 1988, Cap R-15, Council made the following regulations:

1. Schedule C-3, LOCAL (CLASS 3) HIGHWAYS, of the *Roads Act* Highway Access Regulations (EC580/95) is amended

(a) by the addition of the following:

(199.1) **Cyrus Road RI31109:** The unpaved portion of the Cyrus Road in the settlement of Urbainville commencing at the intersection of Route 125 for a distance of 0.14 km.

(285.1) **Josie Shang Road RI11030:** The Josie Shang Road commencing at the intersection of Route 14 in the settlement of Nail Pond for a distance of 0.3 km.

(289.1) **Kitson Road RI13114:** The unpaved portion of the Kitson Road in the settlement of Red Point commencing at the end of the Local Class 2 section of Kitson Road RI13114 for a distance of 0.7 km.

(335.1) **McCardle Road RI41043:** The unpaved portion of the McCardle Road in the settlement of Chelton commencing at the end of the Local Class 1 section of the McCardle Road RI41043 for a distance of 1.0 km to the shore.

(b) in subsection 1(356), by the deletion of the words “1.6 km” and the substitution of the words “2.2 km to the shore”.

2. Subsection 1(302) of Schedule D, SEASONAL HIGHWAYS, of the *Roads Act Highway Access Regulations (EC580/95)* is amended by the deletion of the words “the intersection of Route 14 to the end of the road, a distance of 1.0 km” and the substitution of the words “a point 0.3 km from the intersection of Route 14 to the end of the road, a distance of 0.7 km”.

3. These regulations come into force on September 6, 2003.

EXPLANATORY NOTES

SECTION 1 provides for the classification of portions of the Cyrus Road extension, Kitson Road, McCardle Road and Muttart Shore Road as public roads, to be classified as Local (Class 3) Highways.

SECTION 2 reclassifies the Josie Shang Road, Road Index 11030, in the settlement of Nail Pond, 300 metres of road commencing at the intersection of Route 14, from a Seasonal Road to C-3, Local (Class 3) Highway.

EXECUTIVE COUNCIL _____ 26 AUGUST 2003

CANADA

PROVINCE OF PRINCE EDWARD ISLAND

ELIZABETH THE SECOND, by the
Grace of God of the United Kingdom,
Canada and Her other Realms and
Territories, QUEEN, Head of the
Commonwealth, Defender of the Faith.

Lieutenant Governor

TO ALL TO WHOM these presents shall come or whom the same may in any
wise concern:

GREETING

A PROCLAMATION

WHEREAS in and by section 6 of Chapter 42 of the Acts passed by the
Legislature of Prince Edward Island in the 4th Session thereof held in the year
2003 and in the fifty-second year of Our Reign intituled "An Act to Amend the
Personal Property Security Act" it is enacted as follows:

“This Act comes into force on a date that may be fixed by proclamation of the
Lieutenant Governor in Council.”,

AND WHEREAS it is deemed expedient that the said Act, Stats. P.E.I. 2003,
4th Session, c. 42 should come into force on the 26th day of August, 2003,

NOW KNOW YE that We, by and with the advice and consent of our
Executive Council for Prince Edward Island, do by this Our Proclamation
ORDER AND DECLARE that the said Act being "An Act to Amend the Personal
Property Security Act" passed in the fifty-second year of Our Reign shall come
into force on the twenty-sixth day of August, two thousand and three of which all
persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made
Patent and the Great Seal of Prince Edward Island to be hereunto affixed.

WITNESS the Honourable J. Léonce Bernard, Lieutenant Governor of the
Province of Prince Edward Island, at Charlottetown this twenty-sixth day of
August in the year of Our Lord two thousand and three and in the fifty-second
year of Our Reign.

By Command,

Clerk of the Executive Council